

REMARKS

In response to the *Office Action* mailed January 26, 2007, Applicant respectfully requests reconsideration. Claims 1-3, 5-12, 14-21, and 23-26 remain pending in this application of which claims 1, 10, 19, and 20 are independent. Claims 4, 13, and 22 were canceled by a previous amendment.

By this amendment, Applicant amends claims 1, 3, 5-7, 9-10, 12, 14-16, 18-19, 20-21, and 23-26 to further clarify Applicant's invention. Support for the claim amendments may be found in Applicant's specification. For example, with respect to claim 1:

- Support for the addition of "each option being defined in the class or thorough a class inheritance hierarchy" can be found, for example, at page 11, lines 7-9. Here, the specification states, "if C itself contains a declaration of the option x, the binding associated with that declaration is used. If not, then if C's base class D has such a declaration, D's binding is used."
- Support for the addition of "each option having an option name and an option value associated therewith" can be found, for example, at page 10, line 13 ("Option names") and page 7, lines 2-3 ("If a class C of the Curl language has a local option called y, the option's value can be accessed...").
- Support for "option binding object generated by a compiler to describe each option" can be found in the exemplary embodiment of Fig. 2A (showing exemplary Option Binding objects in an exemplary option

binding list) and at page 13, lines 9-11 (“When these definitions are compiled, the compiler generates an OptionBinding object corresponding to each local-option declaration as illustrated at 30, 32, and 34 of Fig. 2A).

- Support for “from the option name corresponding to the option value” can be found in the exemplary embodiment of Fig. 7A, which shows an exemplary “mapping data structure” and at page 21 lines 18-30, which describe the figure.
- Support for “wherein code for the change handlers identified by the option binding object” may be found in the exemplary embodiment of Fig. 2A, which shows change-handlers associated with each of the OptionBindings.

With respect to claim 6, for example:

- Support for “a linked list of option items, each of the option items corresponding to a reference option comprising an option in the instance that has been referenced, and each of the option items having the option value and the option name corresponding to one of the referenced options” can be found in the exemplary embodiment of Fig. 2C, Fig. 2D, and Fig. 2E, which show exemplary linked lists of option items, as well as at page 14, lines 17-28, which describe those figures.
- Support for “when a first option is referenced in order to set a first option value for the first option, checking the listing data structure for a first option item corresponding to the first option; when the option item is found, setting the first option value in the first option item; and when no first

option item is found, creating the first option item, setting the first option value in the first option item, and storing the first option item with the first set option value in the listing data structure” can be found in the exemplary embodiment of Fig. 2C and Fig. 2D, which show exemplary linked lists of option items, as well as at page 15, lines 1-3, which states, “If another option for the color blue were added, the linked list would be extended as illustrated in Figure 2D.

Other claims have been amended similarly to claims 1 and 6. Accordingly, no new matter has been introduced. In view of the foregoing amendments and the following remarks, Applicant respectfully traverses Examiner’s rejections of claims under 35 U.S.C. § 102 and 35 U.S.C. §103.

Additionally, Applicant notes that the submission of Amendments to the Specification on page 2 of the Response filed with the USPTO on November 3, 2006, have not been acknowledged. Applicant respectfully requests acknowledgment of those amendments.

Double Patenting Rejection

In the *Office Action* mailed January 26, 2007, claims 1-3, 5-12, 14-21, and 23-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent Application Publication No. US 2002/100033 A1 (U.S. Application No. 09/759,697) and claims 1-12 of U.S. Patent Application Publication No. US 2002/0112229 (U.S. Application No. 09/760,031).

While Applicant respectfully disagrees with the provisional obviousness-type double patenting rejection, filed herewith is a terminal disclaimer in compliance with 37

CFR 1.321, which overcomes the provisional obviousness-type double patenting rejection over claims 1-12 of copending Application No. 09/759,697 and claims 1-12 of copending Application No. 09/760,031.

Rejections Under 35 U.S.C. § 102

In the *Office Action*, claims 1, 3, 5-6, 9-10, 12, 14-15, 18-21, and 23-26 were rejected as being anticipated by McLennan, Michael J., "Object-oriented Programming with [incr Tcl] Building Mega-Widgets with [incr Tk]," hereinafter McLennan. To properly establish that McLennan anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that independent claim 1 is not anticipated by McLennan because the reference fails to teach each and every claim element of claim 1.

Specifically, McLennan does not disclose

"notifying the instance of a change in a selected option value through change handlers identified by an option binding object generated by a compiler to describe each option, the option binding object being located by first searching a mapping data structure for any previously computed mapping from the option name corresponding to the selected option value to the option binding object, and if no mapping was found, by then computing a mapping from the option name corresponding to the selected option value to the option binding object and storing the mapping in the mapping data structure,"

as recited in Applicant's claim 1.

First, Applicant's "option binding object generated by a compiler to describe each option" is not analogous to the "background" and other configuration options shown in

McLennan's figure 2-7 and 2-8, as the *Office Action* suggests. See *Office Action* at 6. The exemplary embodiment of Fig. 2A of Applicant's specification shows exemplary Option Binding objects identifying change handler code. The "background" of McLennan is not an "option binding object" because it is not generated by the compiler to describe the option. Nowhere does McLennan disclose "option binding objects generated by a compiler to describe each option."

Further, Applicant's "mapping data structure" is not analogous to McLennan's "master list," as the *Office Action* suggests. See *Office Action* at 6. An exemplary mapping data structure as shown in Applicant's Specification at Fig. 7A maps from an option name to an option binding object. McLennan's master list does not comprise a "mapping from the option name corresponding to the selected option value to the option binding object" because it does not map from the option name to the option binding object. Nowhere does McLennan disclose "a mapping data structure ...mapping from the option name corresponding to the selected option value."

However, even if these elements were analogous, the *Office Action* fails to show where McLennan discloses "if no mapping was found, ...then computing a mapping from the option name corresponding to the selected option value to the option binding object and storing the mapping in the mapping data structure," as recited in claim 1. The *Office Action* cites to pages 95-97 in McLennan as disclosing the aforementioned element of Applicant's claim. See *Office Action* at 6. However, at this reference, McLennan does not refer to the "master list," nor does McLennan disclose searching its "master list" for any previously computed mapping from the option name to the option binding object. McLennan especially does not disclose, as this reference or elsewhere,

what occurs when no mapping from the option name to the option binding object is found in the “master list.”

As noted above, McLennan fails to teach at least the recitation in claim 1 of, “if no mapping was found, ...computing a mapping from the option name corresponding to the selected option value to the option binding object and storing the mapping in the mapping data structure.” Independent claims 10, 19, and 20 recite similar elements. Accordingly, McLennan cannot anticipate claims 1, 10, 19, or 20, or claims 3, 5-6, 9, 12, 14-15, 18, and 21, which depend therefrom.

Additionally, many of the dependent claims are allowable in their own right. For example, claim 6 refers to “a linked list of option items, each of the option items corresponding to a referenced option comprising an option in the instance that has been referenced.” As disclosing this feature, the *Office Action* cites to McLennan at page 79, Figure 2-6 itk_option and associated text. See *Office Action* at 6. However, the itk_option is an *array* and not a *linked list*. See McLennan at 79 and Fig 2-6 (describing itk_option as an “array mapping option names to option values”). Moreover, McLennan nowhere discloses that the itk_option array would only comprise options that have been referenced. Lastly, McLennan discloses that when you create a component, the options for that component are added to the master list of options for the mega-widget (See McLennan at page 77, lines 1-2), but McLennan nowhere discloses, “when a first option is referenced in order to set a first option value for the first option, checking the listing data structure for a first option item corresponding to the first option; when the first option item is found, setting the first option value in the first option item; and when no first option item is found, creating the first option item, setting the first option value in the

first option item, and storing the first option item with the set first option value in the listing data structure,” as recited by claim 6. For at least these additional reasons, McLennan does not disclose Applicant’s claim 6.

Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 3, 5-6, 9-10, 12, 14-15, and 18-21 as being anticipated by McLennan because McLennan does not disclose each and every element of Applicant’s claims.

Rejections Under 35 U.S.C. § 103

In the *Office Action*, claims 2 and 11 were rejected as being anticipated by McLennan in view of Li et al. (US Patent No. 5, 943,496) hereinafter Li. Additionally in the *Office Action*, claims 7-8 and 16-17 were rejected as being anticipated by McLennan in view of Hostetter et al. “Curl: A Gentle Slope Language for the Web,” World Wide Web Journal, Spring, 1997 (hereinafter Hostetter). See *Office Action* at 8.

Applicant respectfully traverses the rejection of claims 2, 7-8, 11, and 16-17 under 35 U.S.C. §103 as being obvious from McLennan in view of Li or from McLennan in view of Hostetter because a *prima facie* case of obviousness has not been established. To establish a *prima facie* case of obviousness, the prior art (separately or combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2. A *prima*

facie case of obviousness has not been established because, among other things, the prior art, taken alone or in combination, fails to teach or suggest each and every element of claims 2, 7-8, 11, and 16-17.

Claims 2 and 7-8 depend from claim 1, and claims 11 and 16-17 depend from claim 10, thus claims 2, 7-8, 11, and 16-17 include all the elements and limitations of claims 1 and 10. Applicant respectfully submits that claims 1 and 10 contain recitations that are not disclosed in any of the references upon which the rejection under 35 U.S.C. § 103 is based. As set forth above in the discussion of claims 1 and 10, McLennan fails to teach or suggest "if no mapping was found, ...computing a mapping from the option name corresponding to the selected option value to the option binding object and storing the mapping in the mapping data structure." The computing and restoring recitation of claims 1 and 10 is required by claims 2, 7-8, 11, and 16-17. Neither Li nor Hostetter make up for this deficiency of McLennan, since they also do not disclose or suggest "if no mapping was found, by then computing a mapping from the option name corresponding to the selected option value to the option binding object and storing the mapping in the mapping data structure."

Applicant therefore respectfully traverses the rejection of claims 2 and 11 under 35 U.S.C. §103 as being obvious from McLennan in view of Li and the rejection of claims 7-8 and 16-17 as being obvious from McLennan in view of Hostetter.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 26, 2007

By: 

Maura K. Moran
Reg. No. 31,859